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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,268	09/25/2006	Koen Hendrik Johan Vrielink	NL 040316	6391

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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SHEHNI, GHAZAL B

ART UNIT	PAPER NUMBER
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4171

MAIL DATE	DELIVERY MODE
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11/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,268	<b>Applicant(s)</b> VRIELINK ET AL.	
	<b>Examiner</b> GHAZAL SHEHNI	<b>Art Unit</b> 4171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/18/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/10/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-14 are rejected under 35 U.S.C. 101 because the claim body does not have any hardware element. The "data content item" is not a hardware (**according to application drawing fig.3 element 304**). Also "means for granting a user" and "means for reserving a number" are not hardware.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-5,8,10-12, and 15 rejected under 35 U.S.C. 102(b) as anticipated by Stefik (US Publication#2003/0208447).

As per claims 1, 8 and 15 a method / system/ medium of providing conditional access to a data content item for a number of users, comprising:

associating the data content item (**digital works, see page 2, [0015] line 2, also see page 17 [00261] lines 1-2**) with a digital right (**usage rights, page 2 [0015] line 7**) , the digital right providing any user (**e.g. see a user, page 2, [0018] line 5**) of a group

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of users (**see rights to reserve copies page 2 [0018] lines 5-6, also see user rights of different persons page 5 [0058] lines 5-13**) the right to access the data content item a predetermined number of times (**usage rights are used to define how a digital work may be used or distributed a predetermined number of times**)(**see page 2, [0015] lines 7-12 and 18-20**), and where the data content item is arranged in a number of subparts (**see page 5 [0058] lines 5-9 and also page 5 [0060] line 5, [0061] lines 1-10, page 17 [00261] lines 1-2**) and the digital right is arranged in a number of sub-rights (**see usage rights placed on each node, page 5 [0058] lines 9-13, also see “a right portion” page 5 [0061] line 10 and page 10, [0119] lines 1-2**)), initially designated as available sub-rights, each available sub-right providing any user of the group of users the right to access a subpart of the data content item (**see page 6, [0070] lines 5-12, [0074] lines 1-12 and also see a set of rights attach to compound digital works, page 10, [0119] lines 5-8**),

- granting (means for) a user of the group of users access to the data content item if the associated digital right or the available sub-right allows (**see page 4, [0046] lines 19-22, page 5 [0058] lines 5-13 and also see page 5 [0061] lines 1-11, page 17 [0262] lines 4-11**), and
- reserving (means for) a number of available sub-rights, resulting in a number of reserved sub-rights, when a user of the group of users initiates granted access to the data content item as a new access session. (**Stefik discloses that a digital ticket may also be used to limit the number of times that a right may be exercised. For example a user may purchase a copy of a digital work, along with the right to make up to 5 Copies. In this case, the Copy right would have associated therewith a digital ticket that can be punched up to 5 times. This indicates that the sub right for that particular digital work was reserved only for 5 times (see page 2, [0017] lines 6-11)**).

As per claims 3 and 10 Stefik discloses the method / system according to claim 1, characterized in that the method further comprises (means for) consuming one available sub-right or a reserved sub-right when a sub-part is accessed by a user of the group of users resulting in a spent sub-right that no longer is available (**Once a ticket has been punched, it cannot be used again for the same kind of transaction. The digital ticket must have the copy or extract usage rights attached thereto**)(see page 2 [0015] lines 16-20 also see pages 12-13 [0170] lines 2-4 and [0171] 7-8).

As per claims 4 and 11 Stefik discloses the method / system according to claim 1, characterized in that a specific available sub-right (**Specific instances of usage rights are used to indicate a particular manner of use or distribution**)(see page 2 [0015] lines 9-10) only allows access to a specific sub-part of the data content item, or that a specific available sub-right allows access to any sub-part of the data content item (**e.g. see the example of a magazine that has various articles and photographs which may have been created and are owned by different persons. Each of the articles and photographs may represent a node in a hierarchical structure. Usage rights may be placed on each node by the creator. By enabling control and fee billing to be associated with each node**)(see page 5 [0058] lines 5-12).

As per claims 5 and 12 Stefik discloses the method / system according to claim 1, characterized in that the step of reserving a number of available sub-rights comprises -reserving the number of sub-rights so that only the user that initiated granted access to the data content item is able to continue access to the data content item using reserved sub-rights (**user may purchase a copy of a digital work, along with the right to make up to 5 Copies. In this case, the Copy right would have associated therewith a digital ticket**

**that can be punched up to 5 times. This indicates that the sub right for that particular digital work was reserved only for 5 times and the user is able to use the Copy right for the five times that he/she has reserved the right)(see page 2, [0017] lines 6-11)**  
-reserving the number of sub-rights so that all the users belonging to the group comprising the user that initiated granted access to the data content item is able to continue access to the data content item using reserved sub-rights. **(e.g. see the example of a magazine that has various articles and photographs which may have been created and are owned by different persons. Each of the articles and photographs may represent a node in a hierarchical structure. Usage rights may be placed on each node by the creator. By enabling control and fee billing to be associated with each node)(see page 5 [0058] lines 5-12).**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik *et al* (Pub. No. US 2003/0208447A1) in view of Nakahara *et al* (Pub. No. US 2003/0018491A1)

As to claims 2 and 9, Stefik discloses the method / system characterized in the step of reserving a number of available sub-rights comprises reservation of a number of sub-rights that is required to access the content **(see page 2, [0017] lines 6-11).**

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Stefik et al does not disclose the access to the complete content item once if there are Sufficiently many available sub-rights. However Nakahara et al discloses “only one time licensed reproduction of a movie content if there are sufficiently many available sub-rights” (e.g. **see the license management unit 1a per request of content output unit 1b reserve license information of "only 10-time reproduction of a movie content", meaning that the license management unit 1a holds the license information along with reservation information indicating that the content output unit 1b has reserved the license information if it holds that license information**)(page 24 [0378] lines 1-8 also see [0379] lines 5-6 also see page 3 [0052] lines 1-18 and page 4 [0063] lines 12-20).

It would have been obvious to one skilled in the art at the time of invention to use Nakahara in Stefik for including “one time reproduction of a movie content if there are sufficiently many available sub-rights” as claimed because the use of Nakahara could provide Stefik the ability for reserving enough rights or sub-rights to access the complete content item once for ensuring that there still be enough sub-rights available to a user that has paused access to a data content item for finishing access to the rest of the data content item, and one of ordinary skill in the art should be able to recognize the applicability of accessing the content item once if there are sufficiently many available sub-rights in Stefik.

As to claims 6 and 13 Stefik discloses the method / system, characterized in that the step of reserving a number of available sub-rights **(user may purchase a copy of a digital work, along with the right to make up to 5 Copies. In this case, the Copy right would have associated therewith a digital ticket that can be punched up to 5 times. This indicates that the sub right for that particular digital work was reserved only for 5 times and the user is able to use the Copy right for the five times that he/she has reserved the right)**(see page 2, [0017] lines 6-11)

Stefik does not disclose that reservation of a number of available sub-rights is only done when the user that initiated granted access is expected to complete access to substantially all of the data content item. However Nakahara discloses that reservation of available sub-rights is only done when the user that initiated granted access is expected to complete access to substantially all of the data content item **(when the user u1 operates the content usage device 2 to use a content under a usage rule that a movie content is reproduced only 10 times on the content usage device 2 and inputs the user ID "U1" of the user u1 himself on the content usage device 2, the content output unit 2b requests the license management unit 2a to transfer the license information meaning that "only 10-time reproduction of a movie content is licensed". In response to the request, the license management unit 2a searches for the license management units that hold the license information if it does not hold the license information. When it judges that the license management unit 1a meets the search condition as a result of the search, the license management unit 2a requests the license management unit 1a to transfer the license information, and presents the user ID "U1". Upon receiving the request of the license information, the license management unit 1a sends the reserved license information to the license management unit 2a because the presented user ID "U1" matches the user ID "U1" included in the reservation information. Upon acquiring the license information, the license management unit 2a further sends the license information to the content output unit 2b, and then, the content output unit 2b reproduce the movie content using the license information)(see page 24 [0385] lines 1-24)**

It would have been obvious to one skilled in the art at the time of invention to use Nakahara in Stefik for including "reserving a number of available sub rights only when the user that initiate granted access is expected to complete access to substantially all of the data content item" as claimed because the use of Nakahara could provide Stefik the ability to

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reserve a number of available sub rights only when the user that initiated granted access is expected to complete access to substantially all of the data content item for the purpose of avoiding to reserve sub-rights that are not going to be needed.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik *et al* (Pub. No. US 2003/0208447A1) in view of Yamamoto *et al* (Pub No. US 20030149671).

As to claims 7 and 14, Stefik discloses a time specification for expiration of the sub-rights.

**(see time specification that represent limitation on the times over which the usage right applies)(page 12 [0155] lines 3-6).** However Stefik does not disclose the method/ system of cancelling, by a user, the reservation of a number of reserved sub-rights.

Yamamoto discloses a cancellation of the license information. It would have been obvious to one skilled in the art at the time of invention to use Yamamoto in Stefik for including the cancellation of rights by a user for enhancing user interactive capability, such as user control/ user defined reservation of rights for accessing the data content.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GHAZAL SHEHNI whose telephone number is (571)270-7479. The examiner can normally be reached on Monday-Thursday & every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Pan can be reached on 571-272-4172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GHAZAL SHEHNI/  
Examiner, Art Unit 4171

/Daniel Pan/  
Supervisory Patent Examiner, Art Unit 4171